

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SECURE AXCESS, LLC,

Plaintiff,

v.

NINTENDO OF AMERICA INC., ET AL.

Defendants.

Case No. 2:13-cv-00032-JRG

FINAL JUDGMENT

Following claim construction in a related proceeding, Plaintiff Secure Axxess, LLC (“Secure Axxess”) stipulated to a final judgment that all accused products in this action, including the Nintendo DS, Nintendo DS Lite, Nintendo DSi, Nintendo DSi XL, Nintendo 3DS and Nintendo 3DS XL, do not infringe the ’309 patent. *Secure Axxess, LLC v. Nintendo of America Inc.*, Case No. 2:14-cv-01013-RSM (W.D. Wash.) (Dkt. No. 34, 36). The United States Court of Appeals for the Federal Circuit affirmed the final judgment of non-infringement under Federal Circuit Rule 36. *Secure Axxess, LLC v. Nintendo of America Inc.*, Case No. 2015-1971 (Fed. Cir.) (Dkt. No. 52).

Pursuant to the Joint Motion for Entry of Final Judgment and Rule 58 of the Federal Rules of Civil Procedure, the Court hereby **ORDERS AND ENTERS FINAL JUDGMENT** as follows:

All of the accused products in this action, identified above, do not infringe U.S. Patent No. 6,522,309, thereby disposing of all claims for relief asserted by Secure Axxess in the First Amended Complaint (Dkt. No. 84) against Defendants Amazon.com LLC, Amazon.com, Inc.,

Best Buy Stores, L.P., Bestbuy.com, LLC, Gamestop Corporation, Hastings Entertainment, Inc., K Mart Corporation, Micro Electronics, Inc., Target Corporation, Toys “R” Us – Delaware, Inc., Wal-Mart Stores, Inc., and Wal-Mart Stores Texas, LLC. (collectively, the “Retail Defendants”).

All claims asserted in this action against the Retail Defendants are hereby dismissed with prejudice.

Each party is to bear its own costs and fees.

So ORDERED and SIGNED this 7th day of March, 2017.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

Agreed to and Approved:

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